

1 DANIELLE M. HOLT
2 (Nevada Bar No. 13152)
3 DE CASTROVERDE LAW GROUP
4 1149 S Maryland Pkwy
5 Las Vegas, NV 89104
6 Ph (702) 222-9999
7 Fax (702) 383-8741
8 danielle@decastroverdelaw.com

9 JESSICA L. BLOME
10 (Cal. Bar No. 314898, admitted pro hac vice)
11 JENNIFER RAE LOVKO
12 (Cal. Bar No. 208855, admitted pro hac vice)
13 GREENFIRE LAW, PC
14 2748 Adeline Street, Suite A
Berkeley, CA 94703
15 (510) 900-9502
jblome@greenfirelaw.com
rlovko@greenfirelaw.com

16 Attorneys for Plaintiffs

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 CANA FOUNDATION, a non-profit
20 corporation, LAURA LEIGH, individually, and
21 WILD HORSE EDUCATION, a nonprofit
corporation,

22 *Plaintiffs,*

23 v.

24 UNITED STATES DEPARTMENT OF
INTERIOR, BUREAU OF LAND
MANAGEMENT, and JON RABY, Nevada
State Director of the Bureau of Land
Management,

25 *Defendants.*

26 CASE NO. 2:22-cv-01200-CDS-BNW

27 **SUPPLEMENTAL DECLARATION
OF LAURA LEIGH IN SUPPORT OF
PLAINTIFFS' REPLY ON SUMMARY
JUDGMENT**

1 I, Laura Leigh, declare as follows:

2 1. The facts contained in this declaration are known personally to me and, if called as a
3 witness, I could and would testify competently thereto under oath.

4 2. For the burro gathers in Blue Wing Complex, only 2 members of the public were
5 present to access and observe gather operations.

6 3. Rather than locating public viewing locations between .7 and 1.8 miles from trap
7 sites, where observation of all activities were obscured by terrain and distance, reasonable
8 alternatives exist, including those which BLM has routinely used for observation locations for
9 years.

10 4. For example, BLM could allow the public to move closer to the trap locations with
11 the proviso that they not leave their vehicles. At all trap sites in the Blue Wing Complex, there are
12 public roadways that would have allowed vehicles access to closer viewing. BLM has offered this
13 alternative in the past.

14 5. BLM also could have set up an observation area closer to the traps, utilizing jute
15 blinds to separate the public from animals being gathered. This would have allowed access to closer
16 viewing. BLM has offered this alternative in the past.

17 6. Also, on August 1-3 and August 12, 2002, the two members of the public attending
18 the gathers could have been positioned in an abandoned, fenced cattle pen that was located
19 approximately 200 feet from the trap site. This location was not in the path of any helicopters or
20 animals, and the location would have allowed the public an opportunity to (at least) view the
21 loading at trap and condition of burros as they passed by on a trailer.

22 7. During the 2022 gather operations, horses were shipped to the Palomino Valley Off-
23 Range Corrals directly from trap sites. Public viewing at Palomino Valley was available. Captured
24 burros were sent to a temporary holding facility on privately-owned land, where they stayed for up
25 to three days before being sent to the Axtell Off-Range Corrals. Public viewing was prohibited at
26 Axtell.

27 8. At no time during any part of the 2022 capture, handling, or processing was clear
28 observation provided to view conditions or handling of burros.

9. In 2020, when horses were gathered from the Blue Wing Complex, the same

1 privately-owned temporary holding facility was utilized as for the 2022 gathers. At that time, the
2 public was allowed access to observe the condition of horses.

3 10. BLM's policy regarding access to temporary and off-range corrals does not appear to
4 be based on any impartial objective. I and members of WILD HORSE EDUCATION are sometimes
5 allowed access to corrals on private lands and sometimes not, even on land owned by the same
6 person.

7 11. BLM has released a new gather schedule. (This schedule is available at chrome-
8 extension://efaidnbmnnibpcajpcglclefindmkaj/https://www.blm.gov/sites/default/files/docs/2024-
9 02/Tentative%20National%202024%20%20Gather%20Sched.%20Revised%20Feb%201%202024.
10 pdf.) The Blue Wing Complex is on the schedule for another removal, which is set to begin on July
11 8. The schedule notes that BLM intends to capture 1,373 horses and 356 burros, reducing the
12 population of burros dangerously low and potentially below genetic viability. BLM has not released
13 any Decision of NEPA Adequacy or conducted any supplemental environmental review for this
14 gather, although BLM has done so for future gathers in other HMAs/HMA complexes.

15 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the
16 United States of America that the foregoing is true and correct.

17 DATED this 12th day of April 2024.

18 */s/ Laura Leigh*
19 Laura Leigh
20 President, Wild Horse Education
21
22
23
24
25
26
27
28